

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of  
  
Larry Cohen  
  
Respondent

Civil Citation No. 75717  
  
8124 Kirkwall Court

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 19, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 431; Baltimore County Code (BCC) section 13-7-310, 312, failure to cease storage of a commercial vehicle, failure to remove junk, trash & debris on residential property zoned DR10.5 known as 8124 Kirkwall Court, 21286.

On May 3, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 14, 2010 for removal of commercial vehicle from this residential property; remove trash and debris; cut tall grass and weeds; remove old canopy, old wood shutters, tires and debris under shed. This Citation was issued on May 3, 2010.

B. Photographs in the file show a large commercial box truck with "L.C. Movers" advertising on the sides, parked in the driveway behind this row home. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle. BCZR Section 431.1.

C. Photographs in the file show junk, trash and debris piled in the rear yard including an old canvas canopy, wood shutters, four old tires, and a discarded wooden railing. Photographs also show household items and junk piled under the deck including a wet cardboard box. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

D. Respondent must remove the commercial vehicle from the property, and must remove all junk, trash and debris from the rear yard. Because compliance is the goal of code enforcement, the civil penalty will be substantially reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by June 9, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 25<sup>th</sup> day of May 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer